

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA : **DECLARATION**

-v.- : **S3 05 Cr. 621 (KMK)**

ALBERTO WILLIAM VILAR, :

a/k/a, "Albert Vilar," and

GARY ALAN TANAKA, :

Defendants. :

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MARC LITT, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the United States of America.

I respectfully submit this declaration in support of the Government's Omnibus Post-Hearing Memorandum in Opposition to Defendants' Pretrial Motions to Suppress Evidence Seized in Searches Conducted in the United States and the United Kingdom and to Quash a Grand Jury Subpoena. I have personal knowledge of the facts set forth in this Declaration.

1. A true and correct copy of a document labeled "Amerindo Subpoena.wpd Properties" of the May 26, 2005 Grand Jury Subpoena directed to Amerindo U.S., is hereto attached as Exhibit GX 11.

2. A true and correct copy of the May 26, 2005 Grand Jury Subpoena directed to Amerindo U.S., is attached hereto as Exhibit GX 12.

3. A true and correct copy of the July 25, 2005 MLAT to the United Kingdom, is attached hereto as Exhibit GX 13.

4. A true and correct copy of a photo of six Amerindo storage crates, is attached

hereto as Exhibit GX 15.

5. A true and correct copy of a photo of two Amerindo storage crates, is attached hereto as Exhibit GX 16.

6. A true and correct copy of a photo of Amerindo storage crates and US Postal Inspectors Williamson and Feeney, is attached hereto as Exhibit GX 18.

7. A true and correct copy of a photo of the crate J-102, is attached hereto as Exhibit GX 21.

8. A true and correct copy of the Metropolitan Police Warrant application package dated October 10, 2005, is attached hereto as Exhibit GX 24.

9. A true and correct copy of the Metropolitan Police Warrant application package dated October 14, 2005, is attached hereto as Exhibit GX 25.

10. A true and correct copy of AUSA Marc Litt's combined office and cell phone records for May 26, 2005, is attached hereto as Exhibit GX 31.

11. A true and correct copy of the affidavit in support of a Search Warrant for Amerindo U.S. (399 Park Avenue) dated May 25, 2005, is attached hereto as Exhibit GX 33.

12. A true and correct copy of the Complaint against Alberto Vilar, is attached hereto as Exhibit GX 33A.

13. A true and correct copy of the Complaint against Gary Tanaka, is attached hereto as Exhibit GX 33B.

14. A true and correct copy of AUSA Marc Litt's redacted Daily Log for December 15, 2005, is attached hereto as Exhibit GX 48A.

15. A true and correct copy of AUSA Marc Litt's draft declaration, is attached

hereto as Exhibit GX 49.

16. A true and correct copy of the Metropolitan Police's Premises Search Book for October 13-14, 2005, is attached hereto as Exhibit GX 52.

17. A true and correct copy of a Vilar memo to the Mayers dated May 12, 1997, is attached hereto as Exhibit GX 166.

18. A true and correct copy of an Amerindo letter to the Mayers dated September 5, 1997, is attached hereto as Exhibit GX 170.

19. A true and correct copy of a memo from Vilar to the Mayers dated December 22, 1997, is attached hereto as Exhibit GX 171.

20. A true and correct copy of the search warrant for Amerindo U.S. (399 Park Avenue), is attached hereto as Exhibit DX E.

21. True and correct copies of excerpts from the black pad found in the box labeled N-10 from the inventory sheets of Inspector Fraterrigo, are attached hereto as Exhibit DX MM.

22. True and correct copies of excerpts from the nine black and red ledgers found in the box labeled N-10 from the inventory sheets of Inspector Fraterrigo, are attached hereto as Exhibit DX NN.

23. A true and correct copy of the Wilson Sonsini Goodrich & Rosati letter to Judge Karas dated November 22, 2006, is attached hereto as "Nov. 22, 2006 Margolis Ltr."

I declare, under penalty of perjury under the laws of the United States of America that
the foregoing is true and correct.

Dated: December 13, 2006
New York, New York

_____/s/_____
Marc Litt
Assistant United States Attorney
(212) 637-2295